

H 2614

CONGRESSIONAL RECORD — HOUSE

March 13, 1967

in Congress assembled, That the Secretary of Transportation acting in cooperation with the Interstate Commerce Commission shall, within one year after the date of enactment of this Joint Resolution, prepare and submit to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives a master ground transportation plan for the United States.

Sec. 2. Until the 60th day after the submission of the master ground transportation plan to the committees of the Senate and House of Representatives as provided by the first section of this Joint Resolution, the Interstate Commerce Commission may not approve any consolidation, unification, merger, or acquisition of control of a railroad corporation, nor may there be any discontinuance or change, in whole or in part, of the operation or service of any train or ferry subject to part I of the Interstate Commerce Act, unless such discontinuance or change is approved by the appropriate State regulatory agency of each State affected by such discontinuance or change. During the period while the Interstate Commerce Commission may not approve any consolidation, unification, merger, or acquisition of control of a railroad corporation, the operation of any provisions of antitrust laws applicable to mergers or consolidations that are not operative while the Commission has such authority shall be in full force and have full effect.

(Mr. MOSS (at the request of Mr. MONTGOMERY) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

[Mr. MOSS' remarks will appear hereafter in the Appendix.]

A BILL TO IMPROVE THE DIRECTION AND SUPERVISION OF THE CENTRAL INTELLIGENCE AGENCY

(Mr. REUSS (at the request of Mr. MONTGOMERY) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. REUSS. Mr. Speaker, I have today introduced H.R. 7107, a bill to provide for better direction and supervision of the Central Intelligence Agency and other U.S. intelligence activities.

The bill would place the political action activities of the CIA under the President's personal direction. It would also establish a Joint Congressional Committee on Intelligence to supervise CIA activities. The membership of the committee would be changed every 4 years in order to bring fresh insights to bear on CIA operations.

I am distressed by recent revelations of the extent of the Central Intelligence Agency's secret involvement in American civilian life. Americans have discovered that the hand of the CIA has been laid on student organizations, universities, labor unions, and the press. How much further the CIA has woven itself into the fabric of American life no one on the outside knows. The Washington Post recently reported that only about \$15 million of CIA largesse has been traced and that "unsubstantiated rumors" place the actual amounts in the hundreds of millions of dollars.

On February 16, I said in a speech here on the floor that if the valuable

work of the National Student Association, the Peace Corps, and other private American groups is not to be destroyed by suspected ties to the CIA, we must initiate an immediate house cleaning.

If there is to be tidying up, it falls upon Congress to do it. I sincerely hope that we will get on with the task.

The first job is to be clear as to what we are about.

The CIA is in a sense a front for itself. Its publicly announced function is to gather intelligence; but, in addition, it has the covert assignment of carrying out political action in furtherance of U.S. foreign policy.

Allen Dulles, whose excellent book "The Craft of Intelligence," is the most straight-forward statement on the CIA which I have seen, puts it this way:

CIA is not an underground operation. All one needs to do is to read the law—the National Security Act of 1947—to get a general idea of what it is set up to do. It has, of course, a secret side, and the law permits the National Security Council, which in effect means the President, to assign to the CIA certain duties and functions in the intelligence field in addition to those specifically enumerated in the law. These functions are not disclosed.

The cloak of intelligence shields the dagger of political action.

FOREIGN INTELLIGENCE ACTIVITIES

Subsection 102(d) of the National Security Act of 1947 lists as the intelligence duties of the CIA:

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities;

(4) to perform for the benefit of existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

Intelligence is not defined in the statute. A widely accepted definition found in the Dictionary of U.S. Military Terms for Joint Usage describes intelligence as: "The product resulting from the collection, evaluation, analysis, integration, and interpretation of all available information which concerns one or more aspects of foreign nations or of areas of operations, and which is immediately or potentially significant to planning."

Simply put, intelligence is information culled from numerous sources. There is a common misconception that intelligence work is wholly espionage—the secret gathering of information by agents or mechanical devices, such as the U-2. In fact, about 80 percent of all peacetime intelligence comes from open sources—from reports of State Department officials, military attaches, or tourists, or from a careful reading of newspapers, periodicals, and other published documents.

Most of us would agree, I am sure, with

the 1955 task force on intelligence activities of the Hoover Commission that—

The fate of the Nation well may rest on accurate and complete intelligence data which may serve as a trustworthy guide for the top-level governmental decisions on policy and action in a troubled world.

In the present anarchic world of independent nation states, great powers must continue to gather information by straight forward and by devious means about the military capabilities and intentions of rival nations.

The 1962 Cuban missile crisis is an object lesson. Only our highly developed intelligence system, including our aerial surveillance of Cuba, gave us the opportunity to avert the installation of offensive Russian missiles 90 miles off our shores.

Intelligence activities, though distasteful when espionage work is involved, must be viewed as a necessary evil.

SPECIAL OPERATIONS

The dark side of the CIA is its special operations in political action. Paragraph 102(d) (5) of the National Security Act authorizes the CIA:

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

Many rumors as to what in the past two decades have been CIA special operations. CIA's most notable effort was, of course, the abortive Bay of Pigs invasion. Also on the public record are two CIA-engineered palace coups—one in 1953, in Iran against Mossadegh, and the other in 1954, in Guatemala against Arbenz.

The recently revealed CIA subsidies to all kinds of private groups are another form of special operations. The principal purpose of giving financial assistance to the National Student Association was to prevent the other side from capturing world youth conferences, not to gather intelligence.

Allen Dulles has been quite forthright about CIA's political action activities. He writes that it is the task of the CIA to assist the internal security services of countries which are the targets of Communist takeovers wherever this can best be done on a covert basis.

Mr. Dulles justifies covert special operations as a necessary weapon against Communist subversion. Perhaps this too is a necessary evil. But, if it is sometimes justified to carry on covert special operations, it must be done sparingly and with the greatest selectivity and sensitivity. For it is a weapon with vast implications for deepening United States involvement, as President Kennedy rightly foresaw at the Bay of Pigs. It is also a weapon which should be used only where the stakes are high. Secret U.S. Government meddling in the affairs of state of other nations or in the affairs of domestic or foreign private organizations is so alien to our traditions that it can only be justified when the national security is genuinely at stake.

A large part of the difficulty of justifying the recently revealed CIA subsidies to private organizations is the very real doubt whether the efforts of these groups, no matter how laudable, are really vital to our national security.

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A CRITICAL DISTINCTION

To properly direct and supervise the CIA, foreign intelligence activities must be carefully distinguished from special operations.

The two activities differ in kind. Intelligence work produces neutral information as an aid to the President in reaching decisions involving the national security. But in its political action activities, the CIA is an arm of already established policy.

The two activities differ in seriousness. Intelligence activities, even espionage activities, very seldom, if ever, have the potential for more deeply involving the United States. There is evidence that even the U-2 incident, which was an intelligence activity, was seized upon by Khrushchev as a pretext for torpedoing the Paris Summit Conference, and not the basic cause for its failure.

On the other hand, secret political warfare which threatens other governments could become a *casus belli*; and less ambitious activities, such as the National Student Association affair, have wider philosophical and ethical aspects which must be carefully weighed.

The two activities differ in sensitivity. Espionage is, both at home and abroad, an accepted international activity; subversion is not. If the United States is not to remake itself in the mirror image of its adversaries, it must use the latter instrument, if at all, with the greatest discretion.

Mr. Dulles confirms that foreign intelligence activities and special operations can be separated. Traditionally, he says, intelligence services have kept espionage and political and psychological warfare in different compartments, but—

The CIA abandoned this kind of compartmentalization which so often leads to neither the right hand nor the left knowing what the other is doing.

WEAKNESSES IN PRESENT CIA DIRECTION AND SUPERVISION

There are two major weaknesses in today's administrative set-up for directing and supervising the CIA:

First. The special operations of the CIA are not necessarily under the personal direction of the President.

Second. The people who supervise the CIA are not changed often enough to bring a fresh viewpoint to bear on CIA activities.

1. PRESIDENTIAL DIRECTION

Subsection 102 of the National Security Act places all activities of the CIA under the general direction of the National Security Council. In addition, the CIA can only undertake special operations which the National Security Council from time to time directs.

The National Security Council, whose sole function is to advise the President, as a body does not make decisions. It therefore cannot itself direct the CIA. So far as I can determine from published sources (for this is not a part of the official information on the CIA), the National Security Council has delegated the direction of the CIA to a high level interdepartmental committee, sometimes known as the Special Group.

This committee is composed of a high-ranking member of the White House

staff, the Deputy Secretary of Defense, and the Deputy Under Secretary of State for Political Affairs. The committee meets weekly.

Mr. Dulles says:

All operations of intelligence character which involve policy considerations are subject to [the committee's] approval.

Ultimately, the CIA is under the control of the President; and I assume that the interdepartmental committee refers questions which it believes to be of great importance to the President.

It is clear that the CIA is subject today to higher political authority; namely, the directives of the interdepartmental committee, the policies of the National Security Council, and, ultimately, the direction of the President.

For example, in the case of the National Student Association subsidy, the recently appointed Katzenbach committee has reported:

When the Central Intelligence Agency lent financial support to the work of certain American private organizations, it did not act on its own initiative but in accordance with national policies established by the National Security Council in 1952 through 1954. Throughout it acted with the approval of senior interdepartmental review committees, including the Secretaries of State and Defense or their representatives. These policies have, therefore, been in effect under four Presidents.

This direction is not good enough, however, when questions concerning CIA special operations are up for discussion. These operations are so serious and so sensitive that the President personally should authorize each and every one in writing, and should periodically review each of them.

I have therefore included in my bill a provision requiring a Presidential directive to authorize each special operation, and an annual Presidential review of the operation. This amendment will underline the extreme seriousness of special operations and the extraordinary importance of their being limited in number and nature, precisely directed, and carefully supervised.

In addition, I have designated the President as the person to give general direction to the intelligence activities of the CIA, since the National Security Council is only an advisory body. This change is a technical one which will probably not alter present White House supervisory arrangements.

2. PERIODIC CHANGES OF CIA CONGRESSIONAL SUPERVISION

In the National Student Association case, it is clear that the top Presidential aides charged with national security duties, appropriate cabinet officers or their representatives, and the Congressmen and Senators who serve on CIA watchdog committees all knew of this CIA activity and approved of it. It is unclear whether members of the President's Foreign Intelligence Advisory Board knew of it, but it is probably fair to assume that they did. They should have, if they were doing their job properly.

I can only conclude that the CIA policymakers were mistaken because, being insiders for so long, their perspective had become distorted. The keen

edge of common sense had been dulled by lengthy contact with the intelligence and military communities.

The need for men of clear insight to pass on intelligence matters can only be supplied by periodic changes of CIA supervisors.

My bill establishes a Joint Congressional Committee on Intelligence. The joint committee's job would be to examine continuously the foreign intelligence activities and the special operations of the CIA. The joint committee would be reconstituted with new members every 4 years, at the beginning of even-numbered Congresses. In this way Congress can periodically take a fresh look at the CIA.

No criticism is meant of the Members of Congress who now devote themselves to oversight of CIA matters and appropriations. There has been a job under difficult circumstances. But the present system of Congressional oversight is too piecemeal to produce the close supervision which is called for.

THE JUDGMENT OF HISTORY

Secrecy is essential in the tasks of the CIA—whether intelligence gathering or political actions. Yet this same secrecy is the chief problem in assuring that CIA actions are in keeping with American values.

But, as President Kennedy suggested when speaking to CIA personnel on November 28, 1961, it is "in the long sweep of history" that the efforts of the CIA will be judged. By this judgment of history the American public retains a subtle control.

To assure that the full record is available to the historians, the bill provides that no CIA records can be destroyed without the approval of the Joint Congressional Committee on Intelligence.

All Government agencies, including the CIA, are now subject to the statutory requirement that the Joint Congressional Committee on Disposition of Executive Papers approve any record destruction. With this immense task before it, understandably, the joint committee cannot give much attention to any single request for permission to destroy records. And in the case of the CIA, even if the Joint Congressional Committee on Disposition of Executive Papers were to pursue a request to destroy records, it would have a difficult time ascertaining the importance of the records, since it is not privy to CIA operations.

Thus, it is logical to transfer the function of passing on CIA requests to destroy records to the Joint Committee on Intelligence, which would have the time, resources, and authority to make certain that all important CIA records are preserved for future historians.

Mr. Speaker, I ask the House to give serious consideration to this bill.

Its sum and substance is to strengthen the control of the Nation's elected representatives—both the President and Congress—over the CIA. Its enactment would not hamper the effectiveness of the CIA. It would only help to insure that this potent secret arm of our foreign policy is directed by American values and not by the values of our adversaries.

A copy of H.R. 7107 follows:

H2616

CONGRESSIONAL RECORD — HOUSE

March 13, 1967

H.R. 7107

A bill to amend the National Security Act of 1947 and the Records Disposal Act of July 7, 1943, to provide for the improved direction and supervision by the President and by the Congress of the foreign intelligence activities and special operations of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

IMPROVEMENT OF PRESIDENTIAL DIRECTION

SECTION 1. (a) Subsection (d) of section 102 of the National Security Act of 1947 (50 U.S.C. 401) is amended to read as follows:

"(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the President—

"(1) to advise the President in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

"(2) to make recommendations to the President for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

"(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

"(4) to perform for the benefit of the existing intelligence agencies, such additional intelligence activities as the President determines can be more efficiently accomplished centrally and directs in writing;

"(5) to perform such special operations affecting the national security and to expend such funds thereon as the President may from time to time direct in writing."

(b) Section 102 is further amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following subsection:

"(e)(1) Within sixty days of the enactment of this amendment, the Director of Central Intelligence, and the heads of other executive departments and agencies having responsibilities for special operations shall report in writing to the President on each special operation in which the department or agency is then engaged. Each report shall include a comprehensive description of the special operation, its history, its objectives, the number of persons engaged in the operation, the total annual expenditures planned for the operation, and the total expenditures made to date. The President shall review each report and shall issue a written directive stating whether the special operation shall be continued or terminated, and, if continued, at what level of effort and expenditure it shall be continued.

"(2) Thereafter, at least once a year from the date of the Presidential directive establishing the operation (or, in the case of an operation under way on the date of enactment, annually from the date of the Presidential directive issued in accordance with paragraph (1) hereof), the head of the department or agency engaged in the special operation shall report in writing to the President on the current status of the operation. This annual report shall include a

comprehensive description of the special operation, its history, its objectives, the number of persons engaged in the operation, the total annual expenditures planned for the operation, and the total expenditures made to date."

IMPROVEMENT OF CONGRESSIONAL SUPERVISION BY ESTABLISHMENT OF A JOINT COMMITTEE ON INTELLIGENCE

SEC. 2. Section 102 is amended by inserting after subsection (g) the following new subsection:

"(h)(1) There is hereby established a Joint Committee on Intelligence to be composed of seven Members of the Senate to be appointed by the President of the Senate, and seven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than four Members shall be members of the same political party.

"(2) The entire joint committee shall be reappointed on January 3, 1972, and every four years thereafter. No Member shall serve more than four successive years as a member of the joint committee, except that a Member originally appointed to fill a vacancy may serve the uncompleted term and four years thereafter.

"(3) The joint committee shall make continuing studies of the foreign intelligence activities and special operations of the United States, and problems relating thereto, including problems of the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government, and the advisability and problems of carrying out special operations. The Central Intelligence Agency and other departments and agencies engaged in foreign intelligence activities and special operations shall keep the joint committee fully and currently informed with respect to their activities. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Central Intelligence Agency and to activities of other departments and agencies engaged in foreign intelligence activities shall be referred to the joint committee (including lists and schedules of records lacking preservation value submitted to Congress by the Administrator of General Services pursuant to Section 4 of the Act of July 7, 1943 (44 U.S.C. 369)). The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, their recommendations, by bill or otherwise, with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee or (2) otherwise within the jurisdiction of the joint committee.

"(4) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and vice chairman from among its members.

"(5) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

"(6) The joint committee is empowered to appoint such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable. The committee is authorized to utilize the

services, information, facilities, and personnel of the departments and establishments of the Government on a reimbursable basis with the prior consent of the heads of the departments or agencies concerned.

"(7) The expenses of the joint committee, which shall not exceed \$250,000 per year, shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the chairman."

DEFINITIONS

SEC. 3. Section 102 is further amended by inserting after the new subsection (h) the following new subsection:

"(i) As used in this section:

"(1) 'Intelligence' means knowledge which is the product resulting from the collection, evaluation, analysis, integration, and interpretation of all available information which concerns one or more aspects of foreign nations or of areas of operations and which is immediately or potentially significant to policymaking or planning.

"(2) 'Intelligence activities' means those activities undertaken for the sole purpose of producing intelligence, and does not mean covert operations which, in whole or in part, are undertaken to carry out the foreign policy of the United States.

"(3) 'Special operations' means those covert operations undertaken by the Central Intelligence Agency or other departments or agencies which, in whole or in part, are undertaken to carry out the foreign policy of the United States."

PRESERVATION OF INTELLIGENCE RECORDS

SEC. 4. (a) Section 5 of the Act of July 7, 1943 (44 U.S.C. 370) is amended by adding an additional sentence at the end thereof as follows:

"Except that all lists or schedules of the records of the Central Intelligence Agency, or of the activities of any other departments or agencies engaged in foreign intelligence activities and special operations, shall be referred to the Joint Committee on Intelligence, and the joint committee shall examine such lists or schedules and submit to the Senate and House of Representatives, respectively, a report of such examination and its recommendations."

(b) Section 6 of the Act of July 7, 1943 (44 U.S.C. 371) is amended by inserting, after the words "joint committee" and before the word "reports", the phrase, "to which the lists or schedules were referred".

(c) Section 7 of the Act of July 7, 1943 (44 U.S.C. 372) is amended by inserting, after the words "joint committee" and before the word "falls", the phrase, "to which the lists or schedules were referred".

VOCATIONAL AND TECHNICAL SCHOOLS IN FLORIDA

(Mr. PEPPER (at the request of Mr. MONTGOMERY) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am proud to say that my State of Florida has had an excellent record in moving forward strongly in the development of the building of some 29 area vocational and technical schools and in an overall expansion of its vocational program in the State.

Florida has been one of the fastest growing States in the country and has expanded greatly its vocational schools and has presently five more schools in the planning stages. It is, therefore, apparent that we must appropriate the full authorized figure for fiscal 1968 as authorized under Public Law 88-210.